GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Dept. - ROBs - Road Over Bridges Nos.386/1 & 386/2 at Km.714.038 on NH-5 (New NH-16) in Visakhapatnam District - Accidental Death - Original SuitNo.473/1994- Decree - Appeal Filed -Common Judgment of Hon'ble High Court at Hyderabad in Appeal SuitNos.983 & 2489 of 1999 - Decretal Amount - Revised Administrative Sanction -Accorded - Orders -Issued.

TRANSPORT, ROADS AND BUILDINGS (ROADS.II) DEPARTMENT

G.O.Rt.No.397 Dated: 31/12/2021.

Read the following:-

1. From the Chief Engineer(R&B) NH & CRF, A.P., Vijayawada Lr.No.Court case/AS No. 983&2489/EE2/DEE2/AEE2/2014,dated 04.01.2019.
2. G.O. Rt. No.150, TR&B (Roads-II) Dept., dated 16-07-2019.
3. From the Chief Engineer(R&B) NH & CRF, A.P., Vijayawada, Lr.No.Court case/AS No. 983&2489/EE2/DEE2/AEE2/2014,dated 26.09.2019.
4. G.O. Rt. No.11, Finance (FMC-TR&B) Dept., Dt.03.01.2020.
5. Govt. Memo No. RDBS0RBRI(ROUB)/10/2019-ROADS-II, Dated:13.01.2020.
6. From the Chief Engineer(R&B) NH&CRF, A.P., Vijayawada, Lr.No.Court Case/ AS No.983&2489/EE2/DEE2/AEE2/2014, Dt.31-07-2020 and 22.01.2021.

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ORDER:-

The Chief Engineer(R&B) NH & CRF, A.P., Vijayawada in his letter 1st read above has reported that while a student studying 10th class in Kendriya Vidyalayam Visakhapatnam was crossing the Eastern footpath road on over Bridge No.386/2 on 12-02-1992, the slab pieces gave away suddenly and broken and he fell down on the Railway track. The students succumbed to death with severe injuries. The father of student has filed F.I.R No.81 of 1992 dated 13.02.1992 alleging that faulty design in construction and poor maintenance caused the death of his son. On the basis of the oral and documentary evidence, the Trial Court in its Judgement and Decree dated 21.09.1998 in Original Suit No.473/1994, directed the defendants 1 to 4 to pay the plaintiff a sum of Rs.3,63,000/- together with subsequent interest 12% per annum on Rs.3,63,000/- from the date of filing of the suit i.e. from 03.03.1993 to till the date of realization. Aggrieved by orders of the Trial Court, the Superintending Engineer (R&B) NH Circle, Visakhapatnam, now in Vijayawada has filed Appeal Suit No.2489 of 1999 against the said Decree & Judgment of Trial Court in O.S No.473/1994.

2) The Hon'ble High Court of Judicature at Hyderabad in its common Judgement dated 14-04-2018 in Appeal Suit Nos.983 & 2489 of 1999,upheld the judgment and decree passed by the trial court awarding an amount of Rs.3,63,000/- in favour of the plaintiff and against the defendant 1 to 4,but, the interest of 12% per annum is modified to 9%per annum on the amount decreed. In

P.T.O.

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view of the involvement of two departments namely the State government and Railways (Government of India), the amount awarded shall be paid by defendants 2 and 3 on the one hand, and the 4th defendant on the other hand equally namely 50:50. The interest on the Decree amount of Rs.3,63,000/- worked out@ 9% per annum from 21.09.1998 to 30.09.2018, which comes to Rs.6,59,754/-. Thus, the total amount (i.e., decree amount with interest)comes to Rs.10,22,754/-. As such, the share of the 4th defendant i.e., Superintending Engineer, National Highways, Vijayawada, is coming to Rs.5,11,377/- rounded to Rs.5.20 Lakhs. The Chief Engineer(R&B) NH & CRF, A.P., Vijayawada, has therefore, requested to sanction of an amount of Rs.5.20Lakhs under decretal amount, to avoid further complication from the Hon'ble court.

3) In the circumstances reported by the Chief Engineer(R&B) NH &CRF, A.P., Vijayawada, Government have accorded Administrative Sanction for an amount of Rs.6.00 Lakhs(Rupees Six Lakh Only) for payment of decretal amount, as per the Common Judgment of High court of Judicature at Hyderabad in A.S. No.983 & 2489/1999 against O.S No.473/1994, vide G.O. 2nd read above. The amount sanctioned shall be met from the Head of Account "2059-80-001-00-03-310/317".

4) The Chief Engineer (R&B) NH&CRF, vide his letter 6th read above, has reported that the Superintending Engineer (R&B) NH Circle, Vijayawada in his letter Dt.21.05.2020 has reported that the Executive Engineer, NH Division, Vishakhapatnam has approached the Sub Treasury Officer, Vishakhapatnam and it was informed to him that the Head of Account 2059-80-001-00-03-310/317 was not mapped against the Executive Engineer (R&B) NH Division Visakhapatnam for passing the bill and also stated that unless the budget Release Order is mapped under the said head of account (DDO code 02012602011) against the Executive Engineer (R&B) NH Division, Visakhapatnam, it is not possible to upload the bill against the said Head of Account in the C.F.M.S. website in the District Treasury, Vishakhapatnam for passing of the same.

5) The Chief Engineer (R&B)NH&CRF, has therefore, requested the Government to obtain the funds for an amount of Rs.6.00 lakhs from the Finance Department and to map the above funds under Head of Account under 2059-80-001- 00-03-310/317 against DDO Code 0202-2602-011 of Executive Engineer (R&B) N.H. Division, Visakhapatnam in the C.F.M.S Portal, so as to clear the pending decrial charges, as per common Judgment of Hon'ble Court of Judicature at Hyderabad in A.S. No.983 & 2489 /1999 against O.S No. 473/1994 towards 50% share of the Department.

6) In the circumstances reported by the Chief Engineer(R&B) NH &CRF, A.P., Vijayawada, Government hereby accord Revised Administrative Sanction for an amount of Rs.6.00 Lakhs (Rupees Six Lakh Only) for payment of decretal amount, as per the Common Judgment of High court of Judicature at Hyderabad in A.S. No.983 & 2489/1999 against O.S No.473/1994. The amount sanctioned shall be met from Contingency Fund debiting the expenditure to the Head of Account "2059-

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Public Works - 80-General - 001-Direction and Administration - SH.03-District Offices - 500-Other charges - 501-Compensation (Charged)".

7) The Chief Engineer(R&B) NH & CRF, A.P., Vijayawada shall take further necessary action accordingly and send compliance report to the government.

8) This order issues with the concurrence of the Finance (FMU.TR&B) Department vide their U.O. No.FIN01-FMUOMRAS/35/2019-FMU-TR-B 887862 (858093), dated 12-11-2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M T KRISHNA BABU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer(R&B) NH & CRF,A.P.,Vijayawada.
Copy to:-
The Collector and District Magistrate,Visakhapatnam.
The Director of Treasuries Accounts, A.P., Vijayawada.
The Pay and Accounts Officer, A.P., Vijayawada.
The Director of Works & Accounts, A.P., Vijayawada.
The District Treasury Officer, Visakhapatnam.
The Finance (FMU.TR&B) Dept.
The P.S. to M (R&B) Dept.
The P.S. to Prl. Secy.(T,R&B) Dept.
SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER

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